IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SEVENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 18293 of 2003

Between:

1 M.Vishnuvardhana Rao s/o Venkateswarlu
Garikapadu Primary Agricultural Coop.Credit Society Ltd., Garikapadu., Wyra Mandal.,
Khammam District.
2 A.Satyanarayana Reddy s/o Narsi Reddy
Ganikapadu Primary Agricultural Co-op Credit Society Ltd., Garikapadu., Wyra Mandal.,
Khammam District.
3 M.Krishna Murthy s/o Narasaiah
Tallada Primary Agricultural Coop.Credit Society Ltd., Tallada., Tallada Mandal., Khammam District.
4 Vajrala Veera Redy s/o Narsi Reddy
Tallada Primary Agricultural Coop.Credit Society Ltd., Tallada., Tallada Mandal.,
Khammam District.
5 D.Satyanarayana Reddy s/o Subba Reddy
Tallada Primary Agricultural Coop.Credit Society Ltd., Tallada., Tallada Mandal., Khammam District.
6 R.Prasada Rao s/o Laxminarayana
Singarayapalem Primary Agricultural Coop.Credit Society Ltd., Singarayapalem.,
Konijerla Mandal., Khammam District.
7 P.Venkateswarlu s/o Venkayya
Singarayapalem Primary Agricultural Coop.Credit Society Ltd., Singarayapalem.,
Konijerla Mandal., Khammam District.
8 T.T.Venkateswara Rao s/o Gopaiah
Lalapuram Primary Agricultural Coop.Credit Society Ltd., Lalapuram., Konijerla Mandal.,
Khammam District.

..... PETITIONERS

AND

1The Government of Andhra Pradesh, Cooperation Department rep.by its Secretary, Secretariat.,
Hyderabad.
2The Commissioner for Cooperation and Registrar of Coop.Societies.,Nampalli., Hyderabad.
3The District Coop.Central Bank Ltd., rep.by its General Manager.,
Khammam., Khammam District.
4The District Coop.Officer., Khammam., Khammam District.
5The Divisional Coop.Officer., Khammam., Khammam District.
6Garikapadu Primary Agricultural Coop.Credit Society Ltd., Garikapadu, Wyra Mandal.,
Khammam District., rep.by its Person in-Charge.
7Tallada Primary Agricultural Coop.Credit Society Ltd., Tallada, Tallada Mandal., Khammam District.,
rep.by its Person in-charge.
8Singarayapalem Primary Agricultural Coop.Credit Society Ltd., Singarayapalem., Konijerla Mandal.,
Khammam District, rep.by its Person In-Charge.
9Lalapuram Primary Agricultural Coop.Credit Society Ltd., Lalapuram., Konijerla Mandal.,
Khammam District., rep.by its Person In-Charge.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or Order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not paying the salaries to the petitioners is illegal, arbitrary and violative of Article 14 and 21 of the Constitution of India and consequently direct the respondents to pay salaries to te petitioners without reference to Sec.116-C of the Act

Counsel for the Petitioner:MR.A.SATYA PRASAD

Counsel for the Respondent Nos.1,2, 4&5: GP FOR CO-OPERATION

Counsel for the Respondent Nos.3, 6 to 9: --

The Court made the following :

:ORAL ORDER:

The petitioners are employees of the 6th to 9th respondents-Co-operative Societies. The said respondents stopped paying salaries to the writ petitioners since April, 2003. This was on account of the need of the said respondents-Societies to conform to the mandatory requirement of Section 116-C of the A.P. Co-operative Societies Act, 1964 (for short 'the Act'). It is admitted by the petitioners that the financial position of the 6th to 9th respondents-Societies is not such as to permit payment of salaries to them in the light of Section 116-C of the Act. The petitioners do not establish any liability of the State Government to pay them the salaries. This liability is that of the 6th to 9th respondents-Societies alone. It is not also established that the 6th to 9th respondents-Societies are a State within the meaning of Article 12 of the Constitution. In the above circumstances, the writ petition itself is not maintainable nor could any relief be granted on merits, to the petitioners herein. The writ petition is, accordingly, dismissed. The petitioners are, however, at liberty to pursue alternative remedy as is available at law. No costs.

GODA RAGHURAM, J

Dt. 27-07-2004

Pvks/*

To

1. The Secretary, the Government of Andhra Pradesh, Cooperation Department, Secretariat.,
Hyderabad.
2The Commissioner for Cooperation and Registrar of Coop.Societies.,Nampalli., Hyderabad.
3The General Manager,
the District Coop.Central Bank Ltd., Khammam., Khammam District.
4The District Coop.Officer., Khammam., Khammam District.
5The Divisional Coop.Officer., Khammam., Khammam District

6.2CCs to the Government Pleader for Co-operation, A.P. High Court Buildings, Hyderabad (OUT).

7.2CD copies